

IN THE SENATE OF THE UNITED STATES.

DECEMBER 29, 1847.

Submitted, and ordered to be printed.

Mr. WESTCOTT made the following

REPORT:

[To accompany S. bill No. 39.]

The Committee on Patents and the Patent Office, who were instructed to inquire whether any modifications of the present laws relating to patents and the Patent Office be expedient, report:

That for the reasons stated in the annexed letter from the Commissioner of Patents, and which they adopt as their report, they recommend the passage of the accompanying bill.

To the honorable the Committee on the Patent Office of the Senate of the United States.

GENTLEMEN: In advance of my annual report to Congress, I am under the necessity of calling your immediate attention to the present embarrassed condition of the Patent Office, growing out of its great increase of business within the last three years, and the totally inadequate force in its scientific department to execute it, and of respectfully requesting, through you, the early action of Congress for its relief.

A brief statement, showing the past legislation of Congress in reference to the Patent Office, and the state of its business and revenues at different periods since its re-organization in 1836, will show the absolute necessity of providing, as soon as may be, for an addition to the scientific corps of this bureau.

The Patent Office was re-organized by the act of July 4, 1836. The second section of that act provided for the appointment of only one examiner, and upon that officer there devolved the whole business of examining applications for patents.

The experience of the office soon demonstrated the impossibility of one examiner performing the duties thrown upon his desk by its increasing business; and consequently another examiner was provided for by the 11th section of the act of March 3, 1837.

And, for the same reason, the commissioner was authorized to ap-

point two assistant examiners, by the first section of the act of March 3d, 1839.

Thus, in less than three years from the re-organization of the Patent Office, in 1836, its business required the services of two principal and two assistant examiners. Since March 3d, 1839, there has been no addition authorized by Congress, and of course none has been made, to the scientific force of the office; which now, as in 1839, consists of two principal and two assistant examiners.

In 1840, the next year subsequent to the last addition to the examining force of the office, the number of applications for patents, was 765; the number of caveats filed, was 228; the number of patents granted, was 475; and the total amount of receipts, including fees for patents, caveats and copies, was \$38,056 51.

In 1846, the whole number of applications for patents was 1,272; the number of caveats filed 448; the number of patents granted 619; and the total amount of receipts, including fees for patents, caveats and copies, was \$50,264 16.

Thus it appears that the increase of the business of the Patent Office from 1840, the next year subsequent to the last addition made to the examining corps, to 1846, inclusive, was about 70 per cent.

The business of the office, for the present year, from January 1st to November 30th inclusive, is as follows, viz: the whole number of applications for patents 1,383; the number of caveats filed 482; the number of patents granted 559; number of patents rejected 553; total amount of receipts from all sources \$38,683. See table marked A, annexed. The number of applications which will be received during the present month will probably swell the number received during the year to 1,500, and the revenue of the office to more than \$60,000.

Thus, at the end of the present year, will the business of the Patent Office have increased *nearly 100 per cent.* since 1840, the year after the last addition was made to the examining corps.

In 1844; the last year my predecessor was in office, the number of applications for patents was 1,045; number of caveats filed 380; number of patents issued 502; total amount of receipts from all sources \$42,509 26.

During three years in which I have filled the office of Commissioner, the business of the office has been as follows, viz:

| Years. | Number of applications. | Number of caveats. | Number of patents granted. | Amount of receipts. |
|----------------|-------------------------|--------------------|----------------------------|---------------------|
| 1845 | 1,246 | 452 | 511 | \$51,076 12 |
| 1846 | 1,272 | 448 | 619 | 50,264 16 |
| 1847, 11 mos. | 1,383 | 482 | 559 | 58,683 00 |
| Dec. estimated | 125 | 44 | 50 | 5,300 00 |
| Total in 1847 | <u>1,508</u> | <u>526</u> | <u>609</u> | <u>\$63,983 00</u> |

From the foregoing statement it will appear that the business of of the Patent Office has increased nearly 33 per cent. since 1844,

the last full year of the administration of my predecessor, and, as before stated, nearly 100 per cent. since 1840, when the last addition was made to the examining corps.

In consequence of the increase of the business of the office, my predecessor in his last annual report to Congress, in recommending an increase of the salaries of the scientific corps (which are greatly deficient, compared with the talent and qualifications required for these places,) suggested, that it would be very soon necessary to make an addition to their number. See extract from his report, marked B, annexed.

When I assumed the duties of Commissioner, I very soon found that the business of the office was then quite equal to the physical capacity of the examiners to perform it. And from that time it began to increase rapidly, and very soon became greater than the ability of that branch of the force of the office to perform it. Applications came in more rapidly than they could be examined, and consequently they have from that time to the present continued to accumulate upon the desks of the examiners, until the number of applications remaining unexamined on the first of the present month, was 671, a sufficient number to occupy the examining force of the office for six months to come.

Feeling the pressure of this growing evil, I took the first opportunity to call the attention of Congress to the condition of the office, and in my first annual report, in January, 1846, I made a full statement of the business of the office, and recommended the only remedy for its embarrassments, which was an addition to the examining corps, as will appear by the extract from my report, annexed marked C.

As it became probable that the important business pending before Congress during the session of 1845-'6, would prevent its action upon the recommendation submitted in my report, I again called the attention of the committee on the Patent Office in the Senate, to the subject by a letter addressed to it dated June 10, 1846, and hereto annexed, marked D.

But Congress adjourned without taking any action for the relief of the Patent Office.

The business having greatly accumulated during the year 1846, and the embarrassments of the office consequently greatly increased, in my report to Congress in the session of 1846-'7, I again referred to the embarrassments of the office, and recommended an addition to the examining corps. See extracts annexed marked E. The business of the session being of an important character, and pending late in the session, fearing that the interests of this office might be lost sight of in the more momentous business of the session, I again brought the embarrassed condition of the office to the notice of the appropriate committees of the Senate and House of Representatives, by a duplicate letter addressed to each of them, a copy of which is annexed marked F.

In the House, at the session last mentioned, the general bill for amending the patent law, which provided, among other things, for an increase of the examining corps, passed with great unanimity.

It failed in the Senate, it is believed, for want of sufficient time to act upon it. The Senate committee, however, introduced a bill near the close of the session, providing especially for an increase of the scientific force of the Patent Office, which also failed for want of time to act upon it.

Since then the business of the office, and consequently its embarrassments, have increased in a greater ratio, until it has fallen quite six months in arrears, to the great injury of inventors, who are most interested in its operations.

As it is reasonable to expect, this state of things has occasioned much complaint and dissatisfaction among applicants for patents, who, as the Patent Office is supported entirely by their contributions, have a right to demand that their business should be done in a reasonable time. I have had no argument with which to meet their just complaints, and I reply to them only by showing that I have made every reasonable effort to avoid the embarrassments and consequent delays in the Patent Office, by requiring the examiners to exert their utmost diligence, and by repeatedly urging upon Congress the absolute necessity of increasing the force of the office in proportion to the increase of its business.

In my former communication to Congress and its committees, I have recommended the addition of one principal examiner and one assistant. That addition will not now be sufficient. The present business of the Patent Office will give full employment to two more principal, and two more assistant examiners.

As the business of the office increases the duties of the examiners become more intricate, and more difficult, and consequently occupy more time in executing them. After the fire in 1836, which consumed the Patent Office and its contents, there were not, for instance, half a dozen models of stoves in the office, and it required but little time to examine them. Now there are probably more than 300, and of course it takes a much longer time to examine and compare a new model with them. So of ploughs, steam engines, in fact every class of patented inventions. In 1836, the office had probably not 500 models of all kinds; now it has 10,000. Inventions in other countries have also greatly increased, and as all new inventions for which patents are claimed, have to be compared with foreign, as well as American inventions, it will at once be perceived that the duties of the examiners have become, and are daily becoming, more intricate and difficult. In these considerations, superadded to the increase of business in the Patent Office, the honorable committee will find sufficient reason for granting the addition to the examining corps now asked for.

The funds of the Patent Office are ample for the proposed increase of its scientific corps. On the 1st day of January, 1847, the balance in the treasury to the credit of the patent fund was \$186,565 14. The excess of the revenues over the expenditures of the office the present year, will be \$20,000; consequently there will be in the treasury, to the credit of the Patent Office, on January 1, 1848, \$206,565.

In connexion with the subject of an addition to the scientific

force of the Patent Office, I would respectfully recommend that Congress should make some provision to compel persons who have assignments of patents recorded in the office to pay reasonable fees for that service.

Congress, in its legislation thus far for the Patent office, has proceeded upon the principles, *that it should be a self-sustaining institution*, and that all its labors shall be paid for by those who are benefitted by them. Hence, duties and fees are required for all its services with a single exception, and that is the recording of assignments. The expense to the office of recording assignments cannot be less than \$4,000 per annum. This sum is paid out of the revenues of the office, and is borne entirely by the inventors, who receive but little or no return for it. While this branch of the service of the office is of but little benefit to inventors, but mainly enures to *speculators in patents*, whose business is to buy and sell the inventions of other men, there is no reason why they should be exempt from a contribution to the support of the office in proportion to the services which it performs for them. I, therefore, recommend that provision be made by law for charging reasonable fees for recording assignments of patents.

In conclusion, it is earnestly but respectfully hoped by the undersigned, that the honorable committees upon the Patent Office, in both houses of Congress, will find in the facts above stated sufficient reason for immediately recommending to their respective houses the passage of a bill providing for the relief of the office from its present embarrassed condition.

The accompanying papers are annexed for the purpose of showing that the undersigned has not failed to represent to Congress, from time to time, the true condition of the Patent Office, with regard to its business, and the force which it has for its accomplishment.

All which is respectfully submitted.

EDMUND BURKE,
Commissioner of Patents.

To the honorable JAMES D. WESTCOTT,
*Chairman of the Committee on Patents,
and the Patent Office of the United States Senate.*

A.

| 1847. | Fees for patents and caveats. | Fees for copies. | No. of applica- tions. | No of caveats. | Patents issued. | Cases rejected. | No. cases on hand. | Am't of with- draws. |
|----------------|----------------------------------|------------------|---------------------------|----------------|-----------------|-----------------|-----------------------|-------------------------|
| January..... | \$5,215 | \$160 | 93 | 64 | 39 | 64 | 237 | \$760 |
| February..... | 4,420 | 178 | 110 | 44 | 52 | 56 | .. | 1,240 |
| March..... | 6,635 | 179 | 183 | 54 | 53 | 57 | 344 | 853 |
| April..... | 5,685 | 154 | 161 | 49 | 65 | 55 | 418 | 520 |
| May..... | 4,510 | 171 | 126 | 40 | 42 | 49 | .. | 640 |
| June..... | 3,915 | 144 | 114 | 32 | 50 | 43 | 490 | 700 |
| July..... | 4,275 | 143 | 130 | 34 | 54 | 44 | .. | 660 |
| August..... | 7,815 | 127 | 156 | 45 | 65 | 48 | 581 | 660 |
| September..... | 4,165 | 160 | 113 | 41 | 59 | 64 | .. | 460 |
| October..... | 5,095 | 193 | 97 | 35 | 44 | 40 | .. | 600 |
| November..... | 5,205 | 139 | 100 | 44 | 36 | 33 | 671 | 500 |
| | \$56,935 | \$1,748 | 1383 | 482 | 559 | 533 | | \$7,593 |

B.

Extract from the Patent Office report of 1844.

The increasing business of the office will soon demand additional force. In the meantime, I cannot omit to present to the consideration of Congress the claims of the scientific corps, who conduct the business of the office, to a more adequate compensation for their services. I do not allude to the salary of the Commissioner of Patents. Deep study and knowledge of different languages, a minute acquaintance with the arts and sciences, and much experience, are all required to fit an individual for the office of examiner; and yet his pay is only \$1,500, less than is paid for clerical duties in many of the bureaus. The present compensation will be inadequate to induce those now in the office to remain, and much more to replace the assistance needed, if a vacancy occurs. One examiner has already tendered his resignation, and consented to remain in the hope of further legislation. I beg to ask, if while the income of the office is fully sufficient to meet all necessary expenses, whether it would not be a matter of the deepest regret to part with experienced help for new and untried hands. What blunders, what errors, what litigation would ensue. The public, it is hoped, have some confidence in the office. If this confidence be lost, dissatisfaction would arise, and appeals take place. It is due to the corps in this office to say that their pay is much less than is made to other officers in like capacities.

The following sums are paid, viz:

| | |
|---|---------|
| To the chief of the coast survey..... | \$6,000 |
| One assistant..... | 3,500 |
| Two assistants..... | 3,500 |
| Three assistants..... | 3,500 |
| Four assistants..... | 2,000 |
| Five assistants..... | 2,000 |
| Six assistants..... | 2,000 |
| On weights and measures..... | 2,500 |
| In the navy, engineers for planning engines..... | 3,000 |
| Principal engineer for superintending and constructing steam engines..... | 2,500 |
| Chief naval constructor..... | 3,000 |
| Assistant..... | 2,300 |
| United States mint director..... | 3,500 |
| Coiner..... | 2,000 |
| Assayer..... | 2,000 |
| Melter..... | 2,000 |
| Engraver..... | 2,000 |

Other instances might be cited.

It must be admitted that the discharge of the duties of several of the above stations does not demand the talents or acquirements necessary for an examiner of patents, who must have a knowledge of the physical sciences, and understand their application to those branches of industry to which they are adapted; possessing also a knowledge of the patent laws, the decisions of the courts, and, at least, an acquaintance with the French language.

C.

Extracts from the Patent Office Report for 1845.

In connexion with the subject of the enlargement of the Patent Office building, I would respectfully call the attention of Congress to a necessity of an increase of the examining force of the office. The present board of examiners consists of two principal examiners, and two assistants. The last addition to the examining force was authorized by the act of March 3, 1839. By reference to the statement marked D, exhibiting the progress of the business of the office from January 1, 1840, to December 31, 1845, inclusive, it will be seen that the whole number of applications for patents during the first mentioned year was 765, and during the year 1845 they amounted to 1,246; thus nearly doubling in number since 1840, and since the last addition to the examining force was authorized. During the last year the number of applications has exceeded that of any former year, except 1844, *three hundred and ninety-nine*, and the number of caveats filed *one hundred and thirty-seven*.

The increase of the number of applications does not exhibit the

actual increase of the business of the office. Each application adds to the labors of the examiners and clerks in nearly a quadruple ratio, as almost every case requires two or three examinations before it is decided, leading to more or less correspondence in relation to it.

The great addition to the number of new applications, during the two last years, has rendered it physically impossible for the examiners to keep up with the business of the office, even with the most arduous and persevering efforts, aided by the experience of years on the part of both of them.

An addition to this branch of the force of the office has, therefore, become imperatively necessary; and if it should not be made, the inventor must be subjected to long and unreasonable delay before his claims can be examined. The crowded state of business during the last year has already occasioned complaints and censures against the office, on the part of impatient applicants, who were not apprized of the causes which prevented the seasonable examination of their cases. These causes were not to be found in the want of industry on the part of the examining force, but in the fertility of invention so creditable to our country, which outstripped the physical capacity of the examiners to perform all the labors which were thus accumulated upon them.

When it is borne in mind that the Patent Office is wholly sustained by duties paid in by inventors—having, since its reorganization in 1836, not only carried on its operations without aid from the treasury, but having each year contributed a surplus to the Patent Fund, a part of which is yearly appropriated for the collection of agricultural statistics and the purchase and distribution of seeds—it cannot be deemed unreasonable on their part that Congress will, with the money thus furnished by themselves, make every necessary provision for its continued efficacy and usefulness.

It is believed that the addition of one principal examiner and one assistant will be sufficient to enable the office, in the present state of its business, to perform its duties without unreasonable delay. But, if its business should continue to increase in the same proportion in which it has during the past two years, which is very probable, the addition to its force above recommended will not be long adequate to the performance of its duties.

D.

PATENT OFFICE, *June 18, 1846.*

SIR: The near approach of the close of the present session of Congress, and the great amount of important business pending before both Houses, induces me to fear that the bill reported by the Committee on the Patent Office of the Senate, may not be reached during the present session. If such should be the fate of the bill alluded to, I shall regret it deeply, not only on account of the failure of the important reforms in the existing patent law which it

proposes, but at the present time, more particularly, because the office will be deprived of the addition to its examining force for which the bill provides. In my general report, communicated to Congress during the present session, I had the honor to recommend and to press with considerable earnestness that provision be made for the appointment of an additional principal examiner of patents, and one assistant, in addition to the scientific force of the office which, permit me to say, *is absolutely necessary for the prompt and speedy transaction of its business.* To show the necessity of this addition to the present force of the office, I would respectfully refer you to the following facts, exhibiting the progress of the business of the office since 1839, when the last addition to the scientific force was authorized by Congress, viz :

| Year. | Number of applications for patents. | Number of caveats filed. | Amount of receipts. |
|-------|--|--------------------------|---------------------|
| 1840 | 765 | 228 | \$38,056 51 |
| 1841 | 847 | 312 | 40,413 01 |
| 1842 | 761 | 291 | 36,505 63 |
| 1843 | 819 | 315 | 38,315 81 |
| 1844 | 1,045 | 380 | 42,509 26 |
| 1845 | 1,246 | 452 | 51,076 33 |

Thus it will appear that the amount of the business of the Patent Office has nearly doubled since 1839, when the last addition was made to the examining force of the office.

The business of the office, during the first five months of the present year, exhibits even a greater ratio of increase as will appear by the following statement, viz :

| | |
|---|-----|
| Number of applications for patents received from January 1st, 1846, to May 31st, 1846, inclusive..... | 575 |
| Number of applications received during corresponding months of 1845..... | 450 |
| Excess..... | 125 |
| Number of caveats filed from January 1st, 1846, to May 31st, 1846, inclusive | 211 |
| Number of caveats filed during corresponding period, 1845..... | 187 |
| Excess..... | 24 |

| | |
|--|-------------------|
| Amount of receipts from January 1st, 1846, to May 31st, 1846, inclusive..... | \$21,901 87 |
| Amount of receipts during corresponding period in 1845..... | 17,979 97 |
| Excess..... | <u>\$3,921 90</u> |

It will appear from the statement above, that the business of the office from January 1, 1846, to May 31, 1846, inclusive, has increased over the business of the office during the corresponding period of last year, in the rate of nearly 25 per cent. If the business of the office shall continue to increase in the same proportion during the remainder of the year, it will present the following general result, viz :

| | |
|---|----------|
| Number of applications for patents..... | 1,546 |
| Number of caveats filed..... | 509 |
| Amount of receipts..... | \$60,489 |

and the business of the office will have more than doubled since the last addition to the scientific corps was authorized in 1839. It then consisted of two examiners and two assistants, and since then no addition has been made to that branch of the force of the office.

From the statement preceding, it must appear to any reasonable man, that it is not within the physical power of the present examining force of the Patent Office to perform the great and onerous duties which its rapidly increasing business imposes upon them; and from my own personal observation, I can affirm that the gentlemen now filling the scientific desks, are most diligent and persevering, performing all that men can perform under such circumstances. It is impossible for them to do more and not impair their ability to do at all. In consequence of the physical inability of the examiners to perform the great amount of labor now devolving upon them, and which was rapidly accumulated during the past and present year, the business of the scientific branch of the office is considerably behind, and continues to accumulate to the delay of the applicants for patents, and to the general detriment of the office. When applicants are compelled to wait two or three months before an examination of their cases can be had, it is not surprising that they should become impatient and complain at the delay which they must necessarily encounter. And when it is considered that it is *their* money by which the office is supported; that its receipts exceed the expenditures by thousands each year; last year this excess over expenditures being \$11,680; and that the Patent Office has now in the treasury, credited to the patent fund, a sum exceeding \$182,000, all paid in by the inventors, it cannot be denied that there is justice in their complaint.

Having the supervision of their interests, so far as the Patent Office is concerned, I see and feel the point and justice of their complaint, and feel bound to resort to all proper means in my

power to remove the causes which produce them. Permit me, most respectfully, to call your attention and that of the honorable committee over which you preside to the matters above stated, and to express the hope that you will bring the subject of an increase of the scientific corps of the Patent Office as soon as may be, before the Senate. When that body and the House of Representatives become acquainted with the circumstances in which the office is now placed in consequence of the insufficiency of its scientific force in regard to numbers, I do not doubt that they will immediately apply the remedy.

Very respectfully, your obedient servant,

EDMUND BURKE.

To SIMON CAMERON,

Ch'n of the Committee on the Patent Office, U. S. Senate.

PATENT OFFICE, June 17, 1846.

SIR: In addition to the matters which I had the honor to submit to your consideration in my letter, under date of June 10th, I would also suggest that Congress should authorize the Commissioner of Patents to charge a fee of three dollars for recording assignments of letters patent.

The 11th section of the act of 1836, requires the payment of this fee; but that provision was repealed by the 8th section of the act of 1839; and now the office has to record a large number, exceeding 2,000, of assignments each year, and at an expense, including pay for recording, examining, certifying, &c., of probably not less than \$3,000 each year. The precise sum I have not ascertained.

As this large amount of service is performed not for the benefit of patentees alone, but mostly for speculators in patent rights, it is not just that the patent fund should be charged with the expense. I can perceive no sound reason why that class of persons should be exempt from the payment of charges for services performed for them, and that the inventors upon whose productions they prosper should be compelled to pay those charges. On the contrary, I believe it to be eminently just that the office should be authorized to receive of them an ample remuneration for the services it performs for them.

At present, nearly all the time of two clerks is required to record assignments of patents, for which the office does not receive one cent. It is also required to be at considerable expense to procure books for assignments, which are of a costly character. It is also required to spend much time in examining records for the benefit of dealers in patents, for which it receives no compensation.

As it is the policy of the law reorganizing the patent office to make the institution support itself, and as the income from all other branches of service in the office fully meets the expenses of these branches of service, it is certainly just that the business of recording should be put upon the same footing. Considering the cost of books, clerk hire, and the trouble in the examination of records,

three dollars for each assignment will but little, if any more, than cover expenses. I would, therefore, respectfully recommend such an alteration of the law as will enable me to charge the fee of three dollars for recording each assignment, and ten cents per volume for examining the records.

The office now charges ten cents per hundred words for all copies which it is required to make. This duty is analagous to recording assignments, and if one is exempt from charge, the other should be. Hoping that you may succeed in persuading the Senate to adopt the two provisions recommended in my letter of the 10th instant, and in this present one, if you shall not be able to induce that body to pass the general bill reported by your committee.

Very respectfully, your obedient servant,

EDMUND BURKE.

HON. SIMON CAMERON,

Chairman of Committee on the Patent Office, U. S. Senate.

E.

Extract from the Patent Office Report for 1846.

In my last annual report I embraced the occasion to bring to the notice of Congress the embarrassed condition of this office in consequence of the great increase of its business, without a corresponding increase of its clerical force, particularly in its scientific department.

When the office was recognized in 1836, the Commissioner was allowed but a single examiner. By the 11th section of the act of March 3, 1837, an additional examiner was authorized to be appointed; and by the act of March 3, 1839, two assistant examiners were provided for; since which time no addition to the examining corps has been authorized, and none has been made.

In 1840, the first complete year after the last addition to the examining force was authorized, the number of applications for patents received was 765, the number of caveats filed 228, and the number of patents granted 475.

During the year of 1846, the number of applications for patents was 1,272, the number of caveats filed 448, and the number of patents granted 619. During the same year the number of applications for patents which were examined and rejected was 398.

Thus does it appear that, since the last addition to the examining force in 1839, the business of the office has increased nearly one hundred per cent. It has increased beyond the physical ability of the present examiners and assistants to keep up with it, although constantly and industriously engaged in the performance of their onerous and fatiguing duties. The consequence is, that business accumulates upon their desks; applicants are delayed in having their cases examined, often to their great detriment, and always to the injury of the office; which is complained of for its delays by

persons not knowing the condition of its business and the inadequacy of its force, when it is constantly exerting itself to the utmost to accommodate the public, as well as to relieve itself from inconvenience resulting from a pressure of its duties.

When it is considered that the Patent Office derives its revenues entirely from the inventors, and sustains itself without charge upon the treasury, the justice of their complaints cannot be denied nor evaded. But I am confident they cannot attach to the Patent Office, nor to any of its offices. The state of its business was fully presented to Congress in my last report, and again in a subsequent communication addressed to the chairman of the Committee on Patents and the Patent Office of the Senate at the last session.

It is, therefore, respectfully submitted, whether, in view of the fact that its revenues are ample for the increased expenditure, which will in that event be required, it is not expedient for Congress to authorize the addition to the examining corps which the present state of the business of the office imperatively demands.

By the 11th section of the act of March 3, 1837, I am authorized to employ all necessary temporary clerks for writing and copying, at a compensation of ten cents for every hundred words. This provision enables me to provide for any exigency in the clerical department of the office. No addition, therefore, is deemed necessary to this branch of service in the office.

F.

PATENT OFFICE, *February 17, 1847.*

GENTLEMEN: I have the honor, respectfully, to call your attention to the necessity of increasing the scientific force of the Patent Office, which will appear from the following statement of facts. The act of July 4, 1836, reorganizing the Patent Office, provides for one examining clerk. By the act of March 3, 1837, sec. 11, the Commissioner was authorized to appoint another examining clerk; and by the act of March 3d, 1839, sec. 1, he was authorized to appoint assistant examining clerks; since which time no addition has been authorized or made to that branch of the scientific force of the office.

In 1840, the first year subsequent to the last addition to the examining corps, the number of applications for patents was 765; the number of caveats filed 228; the number of patents granted 475; the receipts of the office, from all sources, \$38,056 51, and the balance paid into the treasury to the credit of the patent fund, not estimating the amount paid for the restoration of models, drawings, &c., \$900 75.

In 1846, the number of applications for patents was 1,272; the number of caveats filed 448; the number of patents granted 619; the receipts of the office from all sources \$50,264 16; and the balance paid into the treasury to the credit of the patent fund, not es-

timating the amount paid for the restoration of drawings, models, &c., \$5,476 75.

The balance in the treasury to the credit of the Patent Fund, was, on the 1st day of January, 1847, \$186,565 14.

Thus has the business of the Patent Office increased nearly 70 per cent. since the last addition to the examining corps was authorized by Congress. It has increased so much beyond the physical capacity of the examining force of the office, that the gentlemen belonging to that branch of its service have found it impossible by the most diligent labor to keep up with it, and, consequently, that branch of the business of the office, namely: the examination of patents, is nearly three months behind, there now being nearly 300 applications on the examiners' desks, which they have not been able to reach, and the number is daily increasing.

I therefore feel constrained, by my duty to the public, to assure the committee that an increase of the examining corps of the Patent Office is *absolutely necessary* to a prompt and efficient discharge of its duties.

My predecessor, in view of the increasing business of the office, in his last report to Congress, recommended an addition to its scientific force. In my report, which I had the honor to submit to Congress at its last session, I reiterated the recommendation of my predecessor in relation to this subject; and in my report to Congress during the present session I repeated the same recommendations.

In compliance with my recommendations at the last session, the Committee on the Patent Office of both houses, reported bills for amending the patent laws in certain particulars, and also providing for an addition to the scientific force of the office.

The bill reported by the Committee of the House of Representatives is now pending before that body, but the near approach of the end of the session, and the great amount of important business pressing upon the attention of both houses, induces me to fear that Congress will not be able to reach and act upon the bill alluded to.

But entertaining no doubt that either house will hesitate to grant to the Patent Office all necessary clerical assistance to perform its duties promptly and efficiently, I have concluded to make known to you the necessities of the office, in order that, if you deem it expedient, you may bring the matter to the attention of the House of Representatives, by bill or otherwise, before the termination of the present session.

I would also respectfully call your attention to another subject connected with the business of this office.

By the act of July 4, 1836, the Commissioner was required to charge a fee of three dollars for recording each assignment of a patent, or of the right to use the thing patented.

That provision was repealed by the act of March 3, 1839, consequently no charge is now made for recording assignments.

Within the last few years, this branch of the duties of the Patent Office has greatly increased, and the number of assignments re-

ceived and recorded within the last year is between two and three thousand; at an expense to the office in clerk hire of at least \$4,000.

This sum is paid out of the funds of the office contributed by applicants for patents, and not the persons interested in assignments, who are generally speculators in patents.

It has been the policy of Congress, at least since the re-organization of the Patent Office, to make that institution support itself.

It has, therefore, required all persons applying for patents, or filing caveats, to pay an adequate duty to the office for its services.

Persons also, applying for copies, are required to pay for them. But, contrary to the general policy of Congress in reference to the Patent Office, for that large portion of its services, devoted to recording assignments, it receives no compensation, but the burden is borne solely by the inventors.

The injustice, therefore, of performing so large an amount of service for persons in the main speculators in patents, at the expense of the inventors, is most obvious.

I would, therefore, respectfully suggest the propriety of authorizing the Commissioner to charge a reasonable fee for recording assignments, and also for examining the records of the office, a duty which takes nearly the time of one clerk to perform, and for which the office receives no compensation.

Very respectfully, your obedient servant,

EDMUND BURKE.

To the honorable the COMMITTEE ON THE PATENT OFFICE

Of the House of Representatives of the United States.

cases and recorded within the last year is between two and three thousand; at an expense for the office in clerk hire of at least \$4,000. This sum is paid out of the funds of the office contributed by applicants for patents, and not the persons interested in issuing patents, who are generally speculators in patents. It has been the policy of Congress, at least since the reorganization of the Patent Office, to make that institution support itself.

It has, therefore, required all persons applying for patents or being entitled to pay an advance duty to the office for its services. Persons also applying for copies are required to pay for them. But, contrary to the general policy of Congress in reference to the Patent Office, for that large portion of its services, deemed to be ordinary assignments, it receives no compensation, but the burden is borne solely by the inventor.

The injustice, therefore, of performing so large an amount of service for persons in the main speculators in patents, at the expense of the inventors, is most obvious.

I would, therefore, respectfully suggest the propriety of authorizing the Commissioner to charge a reasonable fee for recording assignments, and also for examining the records of the office, a duty which takes nearly the time of one clerk in person, and for which the office receives no compensation.

I am, very respectfully, your obedient servant.

EDMUND BURKE

To the honorable the Committee on the Patent Office
Of the House of Representatives of the United States.